

# How does the Constitution protect freedom of religion?

## LESSON PURPOSE

In this lesson you will learn about freedom of religion. You will learn about the difference between religious beliefs and religious practices. You will learn why there are no limits on beliefs but some limits on religious practices. Finally, the lesson will examine issues about the relationship between religion and public education.

When you finish the lesson, you should be able to explain the importance of freedom of religion. You should be able to describe situations in which religious practices may be limited. You should also be able to explain some of the guidelines the U.S. Supreme Court has used to decide issues related to religion and the public schools.

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## TERMS TO UNDERSTAND



establishment clause  
free exercise clause

### How does the First Amendment protect freedom of religion?

The very first part of the First Amendment says that "Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof." The meaning of these words in the First Amendment is explained below.

- **Establishment of religion**

Congress may not establish, that is institute, an official religion for our country or favor any one religion over others. We call this the **establishment clause**.

- **Free exercise**

Congress may not stop you from holding any religious beliefs you choose or having no religious beliefs at all. Government may not unfairly or unreasonably limit your right to practice any religious beliefs you wish. We call this the **free exercise clause**.



*What does the "free exercise" part of the First Amendment mean?*

## Why did freedom of religion become an important principle in America?

Few of the early English colonies in North America permitted religious freedom. In several colonies, one religious group controlled the whole colony. Everyone living there had to follow the same religious ideas. People who disagreed were often persecuted or forced to leave the colony.

By the end of the colonial period, things had changed. For one thing, there were more religious groups, such as Baptists, Catholics, Jews, Quakers, and others. Most people's attitudes had also changed. More people practiced different

religions. People became more accepting of each other's religious differences. Over time, people came to believe strongly that everyone has a right to his or her own religious beliefs.

In addition, men like Thomas Jefferson and James Madison were greatly concerned about the dangers of religious intolerance. They were well aware that throughout history, religious intolerance had often led to conflict and to the violation of individual rights. They thought religious intolerance was a danger to the community and harmful to religion.

The freedom of religion clause in the first part of the First Amendment illustrates the strong belief in America that government should not interfere with religion.



*Why did some of the colonists' ideas about religious tolerance change?*



*Should your government be able to require students to recite the Pledge of Allegiance if it violates their religious beliefs? Why or why not?*

## **Why do conflicts about freedom of religion exist today?**

Americans strongly believe that freedom of religion is an important right. But that does not mean that we have no disagreements about this issue today. Today's conflicts about freedom of religion focus on the following issues:

- **The establishment clause**

This clause sets forth the idea that government is to be separated from religion.

The meaning of the establishment clause is a continuing source of conflict among Americans. Does it mean that government may not be involved with religion in any way?

- **The free exercise clause**

Each person has an absolute right to believe in any religion or in no religion at all. Freedom of belief is an inalienable right that cannot be interfered with by government in any way. The free exercise clause also means that your right to practice your religious beliefs is protected. But does the free exercise clause mean that all religious practices are protected? Can government prohibit a religious practice that endangers public health or safety?

Sometimes there are conflicts between the principles in the establishment and the free exercise clauses. For example, if government pays for prison chaplains, it is supporting religion. On the other hand, to prohibit government from doing this would interfere with the right of prisoners to practice their religion.

Disagreements like these about the relationship between government and religion have caused a number of important cases to be brought before the U.S. Supreme Court. In each case, the Supreme Court has had to decide how the freedom of religion clauses of the First Amendment should be interpreted.

## **Can government limit your right to practice your religious beliefs?**

In certain cases government can limit the way you practice your religious beliefs. The U.S. Supreme Court has ruled that

certain religious practices may be forbidden without violating constitutional rights. The Court has said that religious practices may be limited if they are contrary to public morals, endanger health, or harm the common good.

U.S. Supreme Court decisions have said that religious practices involving polygamy—being married to more than one person at the same time—may be forbidden. Government can also require that children be vaccinated against certain contagious diseases before being admitted to public school. They may require vaccination even if it violates a family's religious beliefs.



*Under what conditions, if any, should the government be able to control the practice of religious beliefs?*



## How can we decide issues about religion in the public schools?

At the time the Constitution was written, public schools as we know them did not exist. Children who attended school usually received a great deal of religious training. In fact, their parents expected the schools to give religious instruction.

There has been growing disagreement about whether religious teaching should be supported in public schools. During the past seventy years especially, the U.S. Supreme Court has heard many cases dealing with this subject. Some questions the Court has tried to answer are

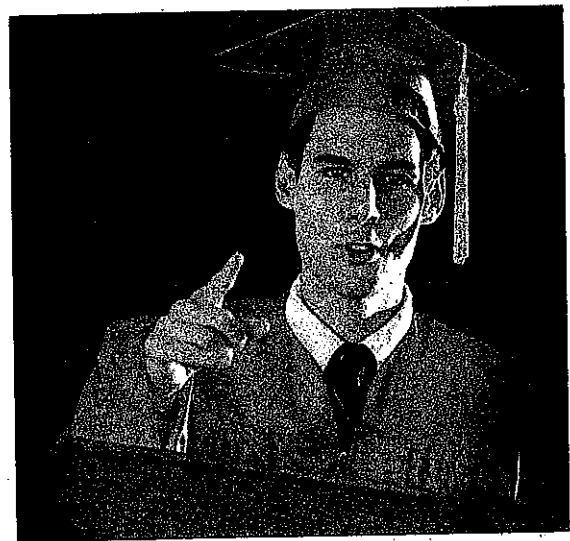
- should tax money be used to support religious schools?
- should public schools be allowed to provide periods of time when students can attend special classes to receive religious instruction from their own minister, priest, or rabbi?
- should public schools be allowed to require students to take part in prayers or read the Bible during regular school hours?

The establishment clause requires that government be neutral toward religion. Government cannot support one type of religion over another type, nor can it support religion over nonreligion.

The courts follow guidelines when deciding whether government is complying with the establishment clause. They look at three factors.

- ① The courts examine whether government is actively endorsing religion.
- ② The courts examine whether government is compelling people to participate in religious activities or to accept religious beliefs.
- ③ The courts examine whether government is providing special treatment to one type of religion that it is not providing to other types of religion.

If government fails any one of these factors, it is in violation of the establishment clause. In a recent case, for example, the U.S. Supreme Court ruled that a high school could not require its students to participate in a prayer at their graduation ceremony. The Court concluded that the high school, by requiring the prayer, was endorsing religion and compelling the students to participate in the prayer.

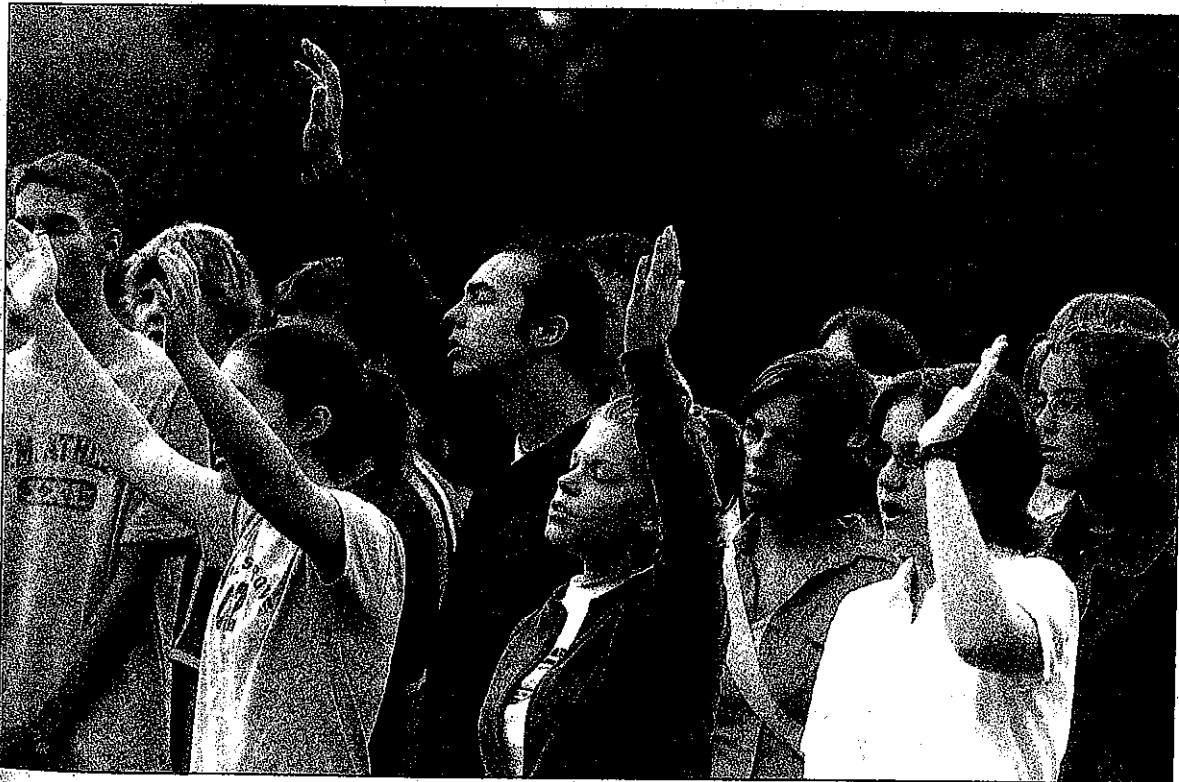


*Under what conditions, if any, should a student be allowed to recite a prayer at a public school's graduation ceremony?*

## How would you decide these issues concerning religion in public schools?

Work in groups of three to five. Read each of the four situations. Use the guidelines discussed in the previous section to decide whether the laws and actions described should be declared unconstitutional. Be prepared to explain your decisions to the class.

- ① Your state passes a law allowing your public school principal to post the Ten Commandments in every classroom.
- ② Your state passes a law that gives parents who send their children to religious schools a tax deduction for tuition, transportation, and educational materials.
- ③ Your state allows your public school's algebra teacher to spend part of his class day at a church school, giving instruction to students having difficulty with math.
- ④ There is an unused classroom at your public school. The student council requests permission to use it after school hours for voluntary prayer meetings. The principal refuses to make the classroom available.



*How do the courts determine whether government is complying with the establishment clause?*

## LESSON REVIEW

- ① What is the establishment clause?
- ② What is the free exercise clause?
- ③ Why was freedom of religion an important principle in early America?
- ④ What conflicts exist over the freedom of religion clauses in the First Amendment? Give examples of each.
- ⑤ Can government limit your right to freedom of belief? Why or why not?
- ⑥ Can government limit your right to practice your religious beliefs? If so, under what circumstances?
- ⑦ What conflicts exist between freedom of religion and public education?

## ACTIVITIES

- ① Some people have suggested adding an amendment to the Constitution that would allow public schools to set aside time for voluntary prayer. Use the Internet or your school library to find more information about this proposal. Then decide if you would support such an amendment. Write a brief essay explaining why or why not.
- ② Thomas Jefferson and James Madison had strong opinions about the separation of church and state. Write an essay comparing and contrasting your opinions on this issue with those of Jefferson and Madison.
- ③ Make an illustration in the style you think might be found in eighteenth-century schoolbooks. In your drawing show your understanding of the establishment clause.